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Letter dated 9 September 2013 from the Permanent Representative of Panama to the United Nations addressed to the Chair of the Committee

As requested in your note of 27 February 2013, I have the honour to transmit herewith updated information on the full implementation of Security Council resolution 1540 (2004) by the Republic of Panama (see annex).[1]

(*Signed*) Pablo Antonio **Thalassinos**
Ambassador
Permanent Representative

[1] Related documents in Spanish, including relevant legislation, are on file with the Secretariat and are available for consultation.

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Annex to the letter dated 9 September 2013 from the Permanent Representative of Panama to the United Nations addressed to the Chair of the Committee

Republic of Panama: Additional report on the implementation of Security Council resolution 1540 (2004)

The Republic of Panama recognizes the huge threat posed to international peace and security by the use of weapons of mass destruction.

Panama has signed international and regional conventions on disarmament and the non-proliferation of weapons of mass destruction, and its foreign policy is based on the principle of the peaceful settlement of disputes. It supports and promotes policies of transparency on defence matters as part of a common strategy for the effective control of arms trafficking, in the interests of hemispheric security and world peace.

The Republic of Panama reaffirms its steadfast commitment to confronting and combating terrorism in all its forms and manifestations, in strict compliance with the norms and principles of international law, international norms for the protection of human rights, humanitarian law, the Charter of the United Nations, the Charter of the Organization of American States, and the rule of law.

Panama has taken the following measures in order to comply with its international commitments and ensure the effective implementation of Security Council resolution 1540 (2004):

- **Naval air stations**: on the Atlantic and Pacific coasts with specialized staff, equipment and technology for the prevention of illicit trafficking in drugs, arms and chemical precursors, and of transnational crimes that are closely linked with terrorist acts.

- **Control and monitoring of dual-use goods**: inter-institutional and intergovernmental cooperation programme, under the responsibility of the National Customs Authority, to control, track, record, monitor, follow up on, seize or return to the port of origin any goods, substances, wastes, products, technologies or software which are subject to international embargo, non-proliferation, controlled trading or prohibition regimes, or which, because of their intrinsic characteristics and possible use for purposes which are illicit or violate international law, may contribute, in whole or in part, to the development, production, handling, operation, maintenance, storage, detection and identification of conventional, chemical, biological and nuclear weapons, or to the development, production, operation, maintenance and storage of devices that can be used to transport, guide, disguise, conceal or activate such weapons of mass destruction.

- **The Global Container Control Programme**: an initiative of the United Nations Office on Drugs and Crime and the World Customs Organization, which is designed to improve container traffic security and to facilitate information-sharing in order to assess the potential risk represented by container traffic at ports participating in the Programme.

The Programme is being implemented at Panama's two principal ports, in order to facilitate the sharing of information with other countries' customs authorities, the issuance of international alerts and the conduct of joint operations, and has led to seizures of large quantities of drugs, arms, chemical precursors, radioactive substances and hazardous materials, using the mobile radiation detection and identification system.

- **Maritime and port security**: the Panama Maritime Authority, through the General Directorate of Ports and Auxiliary Maritime Industries, is implementing the 1974 International Convention for the Safety of Life at Sea, in particular its new Chapter XI-2 on special measures to enhance maritime security, and the International Ship and Port Facility Security Code (ISPS Code).

The ISPS Code is currently being enforced on Panamanian-registered vessels and at the country's 18 port facilities, of which 10 are on the Atlantic coast and 8 are on the Pacific coast.

The Panama Maritime Authority constantly updates and assesses security measures both on vessels and at port facilities, and its highly qualified and trained staff and the Port Protection Committee monitor the security plan and the port measures.

Since 2010, the Directorate General for Seafarers, through the Committee for the Assessment of Offenders, has been including in the List of Offenders of the Department for the Certification of Seafarers all individuals or entities included in the Consolidated List issued by the Security Council Committee pursuant to resolutions 1267 (1999) concerning Al-Qaida, the Taliban and associated individuals and entities.

The Panama Maritime Authority uses the ISPS Code, an international technical framework for cooperation between port authorities, flag administration entities, international bodies and shipping companies, for the detection of threats to port facilities and vessels, with a view to ensuring their effective protection.

It should be noted that Panama has implemented the long-range identification and tracking system adopted by the International Maritime Organization Maritime Safety Committee in 2006, which establishes a multilateral agreement for the sharing of information derived from the system for protection and search and rescue purposes, among the contracting States of the 1974 International Convention for the Safety of Life at Sea, in order to protect vessels, marine structures and port facilities, and to prevent or respond effectively to terrorist attacks.

The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol thereto is a procedural instrument through which States can establish jurisdiction on third-country vessels, both on the high seas and in their exclusive economic zone.

The Panama Maritime Authority has established prevention, risk analysis and training measures to enable it to oversee, minimize and inspect vessels and cargo from high-risk countries.

- **Non-intrusive cargo inspection**: the aim is to ensure the safe trading and transportation of cargo in containers entering, transiting, trans-shipping in or leaving Panamanian territory. Such cargo may be verified using non-intrusive

technology to prevent and combat the use of land, port and airport installations and facilities for unlawful purposes.

- **Container Technical Inspection Unit**: it is responsible for ensuring that Panamanian ports are safe, and that they are not used for the conduct of illicit or terrorist activities or as targets to threaten safe domestic and international trade and transportation.

The Unit is the competent authority to conduct non-intrusive cargo inspections and operates the radiation portal monitors installed at Panama's main Atlantic and Pacific ports.

It also owns two portable spectrometers for the detection of hazardous materials, which can detect explosives or drugs dissolved in other liquids.

- **Inter-institutional Risk Analysis Office**: it is composed of various State institutions tasked with analysing information contained in cargo manifests, determining matrices and risk profiles of cargo, vessels or economic agents, conducting joint and combined operations to combat threats or prevent and suppress crimes, and assisting with the technical inspection of high-risk containers.

The Office is also responsible for using technology to prepare an inspection protocol for high-risk containers, and for assessing the security of border, port and airport facilities, in order to establish matrices and risk profiles with respect to countries, routes and type of cargo, vessels or economic agents.

- **Cross-border cooperation between customs administrations**: is being implemented through international agreements that promote information-sharing among various regional and Latin American customs authorities, such as the Multilateral Convention on Cooperation and Mutual Assistance among National Customs Administrations.
- **Risk Analysis Group**: inter-institutional group that analyses cargoes, ports, crews and logs of vessels with the aim of identifying, drawing attention to and averting possible risks and threats to the country and to third parties posed by vessels passing through the Panama Canal.
- Other related elements, such as individuals, companies and records, are also monitored and studied.

Laws, decrees and resolutions

- **Executive Decree No. 195 of 18 October 2007** of the Ministry of Foreign Affairs, establishing the procedure for abiding by and verifying compliance with resolutions of the Security Council.
- **Executive Decree No. 448 of 28 December 2011** of the Ministry of Foreign Affairs, establishing the Council for Coordination in Combating International Terrorism, to ensure the implementation of international conventions and the protocols thereto, and terrorism-related resolutions of the Security Council.
- **Executive Decree No. 49 of 6 December 2006**, adopting and regulating the Programme of Inter-institutional Coordination and Intergovernmental Assistance in the Verification of Cargo in the territory of the Republic of Panama.

- **General Firearms, Ammunition and Related Materials Act**, approved through Act No. 57 of 27 May 2011, the fundamental objective of which is to regulate the possession, bearing, import, trading, storage, brokering, transport and trafficking of arms, ammunition and related materials.
- **Executive Decree No. 866 of 20 June 2011**, regulating articles 20, 22, 25, 75 and 97 of the General Firearms, Ammunition and Related Materials Act.
- **Current Penal Code**.

Participation of Panama in seminars/workshops

- Workshop on the identification of dual-use materials, held from 27 to 29 November 2012 and attended by 25 staff of the National Customs Authority.
- International conference organized by the International Criminal Police Organization (INTERPOL) to combat the proliferation of nuclear, chemical and biological weapons and their means of delivery, held from 29 July to 2 August 2013.
- Wisconsin Project nuclear arms control workshop on how to use the databases of companies supplying dual-use materials (materials which can be used to make weapons of mass destruction).
- The staff of the Panama Maritime Authority participated in Operation Icebreaker, conducted under the auspices of INTERPOL and the National Commission for the Study and Prevention of Drug-related Crimes, to quickly locate and seize chemical and biological precursors transiting through or destined for the Republic of Panama.
- The Ministry of Health, as the regulatory authority responsible for radiological protection, has provided inter-institutional training on radiological emergencies.

Future programmes and projects

- Develop a single national list of dual-use materials.
- Reactivate the Inter-institutional Commission for the Prohibition of Chemical Weapons.
- Establish a central authority for its implementation.
- Organize a two-phase bioterrorist attack simulation exercise, the first phase of which will be conducted in 2013 and the second in 2014.